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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: **Y. Shibazaki**

Group Art Unit: **2872**

Application No.: **09/823,767**

Examiner: **S. H. Seyrafi**

Filing Date: **March 30, 2001**

Attorney Docket No. **24,943**

For: **Optical Element Holding Device
For Exposure Apparatus**

Notice of Allowance Mailed:
October 1, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence, along with any papers indicated as being enclosed, are being deposited as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on Thursday, October 17, 2002.

Patricia M. Frisoli
Patricia M. Frisoli

Box Issue Fee
Commissioner for Patents
Washington, D.C. 20231

URGENT MATTER

Sir:

**Summary of Telephone Conference with
Examiner Related To Missing Documents**

This is a summary of the telephone conference between Applicant's counsel Gary A. Hecht, Esquire and Examiner Saeed Seyrafi on October 12, 2002. The application has been allowed; the issue fee has not been paid.

During the telephone conference, Mr. Hecht explained that he received a Notice of Allowance and Issue Fee Due in the above-identified case. However, on Form PTO-37, a checked box indicates that a Notice of References Cited (PTO-892) was attached. No such Notice of References Cited was received with the Notice of Allowability. Applicant requests a copy of PTO-892 and any references cited therein.

Match and

10/02

Application No.: 09/823,767
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Page 2

As a second matter, the Mr. Hecht informed the Examiner that there is no indication in the Notice of Allowance that an IDS filed on July 15, 2002 was considered. This IDS was filed originally with the RCE Request of July 8, 2002. After receiving a telephone call from Examiner Paula Britton indicating that the RCE transmittal and IDS were lost, Mr. Hecht faxed a copy of the RCE Request to Examiner Paula Britton, and, due to the length of the IDS, remailed a copy of the IDS. A return postcard indicates that the second filing of the IDS was received by the Patent Office on August 27, 2002. We also have a postcard indicating that the original IDS filing was received by the Patent Office on July 15, 2002. Copies of both postcards are enclosed. Thus, both copies of the IDS were received by the PTO, yet there is no indication that it was considered. Applicants request that consideration of the IDS be noted.

The Examiner indicated that the file would be checked and investigated. We look forward to receiving the Examiner's comments. Due to the pending deadline for payment of the issue fee, it is requested that this matter be addressed expeditiously.

MATCH & RETURN

October 17, 2002
Date

Respectfully submitted,



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Enclosures